

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**U.S. BANK NATIONAL ASSOCIATION, §
AS TRUSTEE FOR ASSET BACKED §
SECURITIES CORPORATION HOME §
EQUITY LOAN TRUST, SERIES NC 2006- §
HE2 ASSET BACKED PASS-THROUGH §
CERTIFICATES, SERIES NC 2006-HE2, §**

Civil Action No. 2:19-cv-369

Plaintiff,

v.

**MICHAEL PREVITY, DANIEL PREVITY, §
PATRICIA PREVITY, AND THERESA §
LOPEZ, §**

Defendant.

**PLAINTIFF’S MOTION FOR SUBSTITUTED
SERVICE ON PATRICIA PREVITY**

U.S. Bank National Association, as Trustee for Asset Backed Securities Corporation Home Equity Loan Trust, Series NC 2006-HE2 Asset Backed Pass-Through Certificates, Series NC 2006-HE2 (“Plaintiff”) files this *Motion for Substituted Service on Patricia Previty* (“Motion”) and, in support of thereof, respectfully shows as follows:

1. Plaintiff is a secured lienholder seeking a judgment from this Court allowing foreclosure on any interest in the property commonly referred to as 2812 Devon Dr., Corpus Christi, TX 78404 (“Property”). [ECF Document No. 1.]

2. On March 2, 2020, Plaintiff filed a Motion to Abate Case, advising the Court that the subject loan is undergoing loss mitigation and therefore placed on hold. [ECF Document No. 8.] The Court subsequently entered an Order on March 13, 2020 abating this case for ninety days, and extending the initial pretrial and scheduling conference to June 17, 2020. [ECF Document No.

9.] Plaintiff hereby informs the court that the loan is no longer undergoing loss mitigation, and Plaintiff intends on proceeding with prosecution of its foreclosure case.

3. To continue prosecution of its claims, Plaintiff needs to complete service. Despite due diligence, Plaintiff has been unable to serve Defendant Patricia Previty ("Defendant"). Therefore, Plaintiff asks the Court to authorize substituted service on her.

4. Plaintiff attempted to personally serve Defendant at her usual place of abode, at 4950 Dody, Corpus Christi, Texas, but has not been successful. Evidence of the attempts is shown by the process server's *Affidavit of Diligent Effort* attached hereto, incorporated herein as **Exhibit A**.

5. Plaintiff's counsel further tried to reach out to Defendant's alleged attorney, Christopher Dorsey, but was unsuccessful. In addition, Plaintiff attaches and incorporates the Declaration of Janie Abraham who had a telephonic conversation with Defendant's siblings, who confirmed her usual place of abode. See **Exhibit B**.

6. Plaintiff has been unsuccessful in serving Defendant at a place where she can be found. Accordingly, Plaintiff asks the Court to authorize it to serve Defendant by either:

- 1) posting a copy of the citation and petition on the front door of the property located at 4950 Dody, Corpus Christi, TX 78411-4023; *or*
- 2) leaving a copy of the citation and complaint with someone over sixteen (16) years of age at the above-referenced address.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that the Court grant its *Motion for Substituted Service* and authorize substituted service on Defendant Patricia Previty by securing the document to the front door entrance at 4950 Dody, Corpus Christi, TX 78411-4023 or by leaving a true copy of the citation and the attached petition with anyone more

than sixteen years of age in accordance with the Texas Rule of Civil Procedure 106, and grant other further relief to which it may be justly entitled at law or in equity.

Respectfully submitted,

By: /s/ Samin Hessami

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